

JC07 Rec'd PCT/P 14 APR 2005

PCT

PTO-1390 (Rev. 12-2004)

App. for use through 3/31/2007. OMB 0651-0021


U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER 080670-000000US
INTERNATIONAL APPLICATION NO. PCT/NZ2003/000207	INTERNATIONAL FILING DATE September 15, 2003	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/527,730
TITLE OF INVENTION SPECTROPHOTOMETER		PRIORITY DATE CLAIMED September 13, 2002
APPLICANT(S) FOR DO/EO/US Cornelis Kees KLEIN		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: Request for Refund</p>		

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/527,730</b>		INTERNATIONAL APPLICATION NO. <b>PCT/NZ2003/000207</b>		ATTORNEY'S DOCKET NUMBER <b>080670-000000US</b>	
21. <input type="checkbox"/> The following fees are submitted:				<b>Applicant Use</b>	<b>Office use only</b>
<input type="checkbox"/> a) Basic national fee ..... <b>\$300.00</b>				\$	
<input type="checkbox"/> b) Examination fee ..... <b>\$200.00</b>				\$	
<input type="checkbox"/> c) Search fee ..... <b>\$500.00</b>				\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$</b>	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is <b>\$250</b> for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x <b>\$250.00</b>	\$	
Surcharge of <b>\$130.00</b> for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	12 - 20 =	0	x <b>\$50.00</b>	\$ 0	
Independent claims	1 - 3 =	0	x <b>\$200.00</b>	\$ 0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ <b>\$360.00</b>	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$</b>	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$ -875	
<b>SUBTOTAL =</b>				<b>\$ -875</b>	
Processing fee of <b>\$130.00</b> for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
<b>TOTAL NATIONAL FEE =</b>				<b>\$</b>	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). <b>\$40.00</b> per property				+	\$
<b>TOTAL FEES ENCLOSED =</b>				<b>\$</b>	
Amount to be refunded:				\$ 875	
Amount to be charged:				\$	
a. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed. b. <input checked="" type="checkbox"/> Please refund my Deposit Account No. <u>20-1430</u> in the amount of \$ <u>875</u> to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>20-1430</u> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b) must be filed and granted to restore the application to pending status.</b>					
SEND ALL CORRESPONDENCE TO:  J. Georg Seka, Esq. Townsend and Townsend and Crew LLP Two Embarcadero Center, Eighth Floor San Francisco, California 94111			SIGNATURE <u></u> J. Georg Seka NAME <u>24,491</u> REGISTRATION NUMBER		

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT  
Docket No.: 080670-000000US  
Client Ref. No.: 518119

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

On April 12, 2005

TOWNSEND and TOWNSEND and CREW LLP

By: [Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Cornelis Kees KLEIN

Int'l Appln. No.: PCT/NZ2003/000207

Int'l Filing Date: September 15, 2003

U.S. Application No.: 10/527,730

For: Spectrophotometer

Examiner: Not Yet Assigned

Art Unit: Not Yet Assigned

REQUEST FOR REFUND

April 8, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

On March 14, 2005, applicant paid the large entity national filing fee of \$1,750.00 as is evidenced by a copy of the postcard which carries a Patent Office date stamp of March 14, 2005, as well as a copy of the Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C 371, which authorizes \$1,750.00 to be charged to the Deposit Account.

The above-identified US National Phase application inadvertently did not claim small entity status, although Applicants were entitled to it. It has recently been discovered that such small entity status failed to be established in error due to

Cornelis Kees KLEIN  
Application No.: 10/527,730  
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PATENT

inadvertence and without deceptive intent. Therefore, Applicants respectfully request the refund payment be processed and that the error be excused.

Applicants hereby authorize the Commissioner to credit half the fee in the amount of \$875.00 to the undersigned's Deposit Account No. 20-1430. A copy of this document is enclosed.

If the Examiner believes a telephone conference would expedite the granting of the requested credit, please telephone the undersigned at 415.576.0200.

Respectfully submitted,



J. Georg Seka  
Reg. No. 24,491

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JGS:sba

U.S. NATL. PHASE PATENT APPLICATION FILING ACKNOWLEDGEMENT  
FILING UNDER 35 USC

Mailing Date: March 14, 2005  
File No.: 080670-000000US  
Inventor: Cornelis Kees KLEIN

Express Mail Label No.: EV332020883US  
Attorney: JGS/sba  
Title: Spectrophotometer

- ☒ PTO-1390 Transmittal Letter to the U.S. Designated/Elected Office (DO/EO/US)  
Concerning a Filing under 35 USC 371, 376, or 377 with authorization to charge fee (+duplicate)  
☒ Copy of PCT/NZ2003/000207 Publication Pamphlet  
☒ Information Disclosure Statement, P. 088, Copy of Int'l Search Report & 2 Refs.  
☒ Courtesy Copy of PCT/NZ2003/000207 As Amended September 16, 2004  
☒ Copy of the IPER and annexes  
☒ Application Data Sheet  
☒ Preliminary Amendment  
☐
- |              |                 |
|--------------|-----------------|
| Description: | <u>16</u> pages |
| Claims:      | <u>5</u> pages  |
| Abstract:    | <u>1</u> pages  |
| Drawings:    | <u>12</u> pages |

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Please stamp date of receipt of the enclosed documents and return this card to addressee

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